GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

BENGAL SECRETARIAT LIBRARY

THE INDIAN FACTORIES ACT, 1881,

AS MODIFIED UP TO THE 1ST APRIL, 1891.

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STATEMENT OF REPEALS AND AMENDMENTS.

REPEALED IN PART AND AMENDED . . . . ACT XI OF 1891.

The following changes have been made in reprinting :—

(1) repealed matter has been omitted, explanatory notes being inserted :
(2) amendments have been inserted in their proper places, with explanatory footnotes :
(3) some further footnotes have been added for convenience of reference :
(4) section-numbers occurring in the text have been printed in figures instead of in words :
(5) the number and year of Acts referred to in the text have been noted in the inner margin :
(6) the headings to the pages have been amplified :
(7) a table of contents has been added.

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ACT No. XV OF 1881.[a]

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the Governor General's assent on the 15th March, 1881.)

An Act to regulate labour in Factories.

(As modified up to the 1st April, 1891.)

WHEREAS it is expedient to regulate labour in factories; It is hereby enacted as follows:— Preamble.

Preliminary.

1. This Act may be called the Indian Factories Act, 1881. Short title and local extent.

It applies to the whole of British India.[b]

2. In this Act, unless there is something repugnant in the subject or context,— Interpretation-clause.

"factory" means any premises (other than indigo-factories or premises situated on, and used solely for the purposes of, a tea or coffee plantation) wherein is carried on, for not less than four months in the whole in any one year, any process for, or incidental to making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale, any article or part of an article; and "factory;"

(*a*) wherein steam, water or other mechanical power is used in aid of any such process; and

[c](*b*) wherein, subject to the provisions of section 20, not less than fifty persons are on any day simultaneously employed in any manual labour in, or incidental to, any such process; and[c]

every

[a] References to Act XV of 1881, to be read as references to that Act as amended by Act XI of 1891, see s. 19 of the latter Act.

[b] Words and figures in s. 1, repealed by Act XI of 1891, s. 2, are omitted.

[c] This clause was substituted for the original clause (*b*) of s. 2 by Act XI of 1891, s. 3.

every part of a factory shall be deemed to be a factory, except any part used exclusively as a dwelling:

"child"; "child" means a person under the age of fourteen[a] years;

"mill-gearing"; "mill-gearing" includes every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley, rope, driving strap or band, by which the motion of the first moving power is communicated to any machine;

"employed". a person[b] who works in a factory, whether for wages or not,[c] in a manufacturing process or handicraft, or in cleaning any part of the factory used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery or in any other kind of work whatsoever incidental to, or connected with, the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall be deemed to be employed therein within the meaning of this Act.

Inspectors and certifying Surgeons.

Inspectors. 3. The Local Government may in its discretion, by notification in the official Gazette, appoint, [d]by name or by office,[d] such persons as it thinks fit to be Inspectors of factories within such local limits as it may assign to such Inspectors, and may suspend or dismiss any persons so appointed.

[e]The District Magistrate shall, in virtue of his office, be an Inspector of all factories, if any, in his district.

Such

[a] This word "fourteen" was substituted for the original word "twelve" in s. 2 by Act XI of 1891, s. 5.

[b] This word "person" was substituted for the original word "child" in the definition of the word "employed" by Act XI of 1891, s. 4 (*f*).

[c] The word "either," in the definition of the word "employed," repealed by Act XI of 1891, s. 4 (*g*), is omitted.

[d-d] These words in s. 3 were inserted by Act XI of 1891, s. 6 (*f*).

[e] This second para. was substituted for the original second para. of s. 3 by Act XI of 1891, s. 6 (*g*).

XLV of 1860.

Such Inspectors shall be deemed public servants within the meaning of the Indian Penal Code,[a] and shall be officially subordinate to such authority as the Local Government may from time to time indicate in this behalf.

Powers of Inspector.

4. An Inspector of factories may, within the local limits for which he is appointed,—

(*a*) enter, with such assistants (if any) as he thinks fit, any factory whenever he has reason to believe that any person is employed therein;

(*b*) make such examination of the premises and machinery, and of the registers hereinafter prescribed, and take on the spot or otherwise such evidence of any person as such Inspector may deem necessary for carrying out the purposes[b] of this Act;

(*c*) order that any person shall not be employed in a factory when he has reason to believe that such employment would be in contravention of this Act,—

until the age of such person has been certified in the manner hereinafter provided to be above nine[c] years, or

for more than the time allowed by this Act for the employment of children, until his age has been so certified to be above fourteen[d] years.

Certifying surgeons.

5. The civil surgeon or such other person practising medicine or surgery as the Local Government may from time to time appoint in this behalf for any local area (hereinafter called the certifying surgeon) shall, at the request of any person employed or desirous of being

[a] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[b] This word "purposes" was substituted for the original word "provisions" in clause (*b*) of *s.* 4 by Act XI of 1891, *s.* 7.

[c] This word "nine" was substituted for the original word "seven" in *s.* 4 by Act XI of 1891, *s.* 9.

[d] This word "fourteen" was substituted for the original word "twelve" in *s.* 4 by Act XI of 1891, *s.* 5.

being employed in a factory situate in such local area, or of the parent or guardian of such person,[a] and on payment by such person of such fee, if any, as may from time to time be prescribed by the Governor General in Council by notification in the Gazette of India,[a] examine such person and grant him a certificate, stating whether his age, as nearly as it can be ascertained from such examination, is above or below nine[b] years, or fourteen[c] years, as the case may be.

All Operatives.[d]

Limited stoppage of work daily in certain circumstances.

[d]5A. (*1*) In every factory, except a factory in which a system of employment in shifts or sets approved by the local Inspector is in force, there shall between noon and two o'clock in the afternoon be a stoppage of work for a full half-hour:

(*2*) Provided that nothing in this section shall apply to any factory of a class to which the Governor General in Council has, by notification in the Gazette of India, declared this section not to apply.

Holidays.

[d]5B. (*1*) No person shall be employed in any factory on a Sunday:

(*2*) Provided as follows:—

(*a*) any manager, foreman, mechanic, artisan or labourer may be employed in a factory on a Sunday in examining or repairing, or in supervising or aiding in the examination or repair of, any machinery or other thing whatsoever necessary for the carrying on of the work performed in the factory;

(*b*) any person may be employed in a factory on a Sunday if he has had or will have a holiday for

[a-a] These words in s. 5 were inserted by Act XI of 1891, s. 8.

[b] This word "nine" was substituted for the original word "seven" in s. 4 by Act XI of 1891, s. 9.

[c] This word "fourteen" was substituted for the original word "twelve" in s. 4 by Act XI of 1891, s. 5.

[d] This heading was substituted for the original heading to s. 6, and these ss. 5A to 11, both inclusive, were substituted for the original ss. 6 to 11, both inclusive, by Act XI of 1891, s. 10.

for a whole day on one of the three days immediately preceding or succeeding the Sunday;

(*c*) the Local Government may from time to time, by notification in the official Gazette, declare sub-section (*1*) of this section not to apply to any factory or class of factories (the factory or class being described in the notification) in which the work performed—

(*i*) necessitates continuous production for technical reasons, or

(*ii*) supplies the public with articles of prime necessity which must be made every day, or

(*iii*) by its nature cannot be carried on except at stated seasons or at times dependent on the irregular action of natural forces; and

(*d*) the Governor General in Council may from time to time, by notification in the Gazette of India, declare sub-section (*1*) of this section not to apply to factories of any class described in the notification.

Women.

Employment of women.

[*]6. (*1*) No woman shall be employed before five o'clock in the morning or after eight o'clock in the evening in any factory in which a system of employment in shifts or sets approved by the local Inspector is not in force.

(*2*) No woman shall be actually employed in any factory in any one day for more than eleven hours.

(*3*) Every woman shall be allowed an interval or intervals of rest amounting in the aggregate to at least an hour-and-a-half in the day when she is actually employed for eleven hours and to a proportionately

[*] See footnote [*] on preceding page.

ately less time when she is actually employed for less than eleven hours.

(*4*) The Governor General in Council may from time to time, by notification in the Gazette of India, declare all or any of the foregoing sub-sections of this section not to apply to factories of any class described in the notification or to women employed in any process so described.

Children.

Employment of children.

[*]7. (*1*) No child shall be employed in any factory if he is under the age of nine years.

(*2*) No child shall be employed in any factory before five o'clock in the morning or after eight o'clock in the evening.

(*3*) No child shall be actually employed in any factory for more than seven hours in any one day.

(*4*) Every child who is actually employed in any factory for six hours in any one day shall be allowed an interval or intervals of rest amounting in the aggregate to at least half-an-hour.

Prohibition of employment of child in certain dangerous work.

[*]8. No occupier of a factory shall allow any child to clean any part of the mill-gearing or machinery of such factory while the same is in motion, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of the steam-engine, water-wheel or other mechanical power, as the case may be.

Register of children in a factory.

[*]9. The Local Government may direct any occupier of a factory to keep, in such form and with such particulars as such Government may from time to time prescribe, registers of the children (if any) employed in such factory, and of their respective employments.

Women

[*] See footnote [*] on p. 6, *supra*.

Women and Children.

Provisions supplementary to sections 6 and 7.

[a]10. (*1*) The occupier shall set up and maintain, in some conspicuous place in the factory, a printed or written notice, in English and the languages of the district in which the factory is situated, showing the times at which such intervals as are required by section 6, sub-section (*3*), and section 7, sub-section (*4*), to be allowed to women and children, respectively, shall be allowed and the length of each interval.

(*2*) A woman or child shall not be deemed to be actually employed within the meaning of section 6 or section 7 during any such interval as aforesaid.

Prohibition of employment of woman or child in two factories on same day.

[a]11. No occupier of a factory shall employ therein on any day any woman or child who has to his knowledge already been employed on the same day in any other factory.

Fencing.

Fencing.

12. (*a*) Every fly-wheel directly connected with a steam-engine,[b] water-wheel or other mechanical power in any part of a factory, and every part of a steam-engine or water-wheel,

(*b*) every hoist or teagle near which any person is liable to pass or be employed, and

(*c*) every other part of the machinery or mill-gearing of a factory which may, in the opinion of the local Inspector, be dangerous if left unfenced, and which he may have ordered to be fenced,

shall, while the same is in motion, be kept by the occupier of such factory securely fenced.

Any order under clause (*c*) may be set aside, on appeal or otherwise, by the Local Government or such authority as it may appoint in this behalf.

Notices.

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[a] See footnote [a] on p. 6, *supra*.

[b] The word "or," where it first occurs in s. 12 (*a*), repealed by Act XI of 1891, s. 11, is omitted.

Notices.

Notice to be given of accidents.

13. When any accident occurs in a factory causing death or bodily injury whereby the person injured is prevented from returning to his work in the factory during forty-eight hours next[a] after the occurrence of the accident, the occupier of such factory, or, in his absence, his principal agent in the management of such factory, shall send such notice of [b]the accident[b] to such authorities in such form and within such time as the Local Government may from time to time by rule direct.

Person beginning to occupy factory to give notice.

14. Every person shall, within one month after he begins to occupy a factory, send to the local Inspector a written notice containing the name of the factory [c]and of[c] the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work performed in such factory, the nature and amount of the moving power therein, and the name of the person[d] under whom the business of the factory is to be carried on.

Penalties.

Penalties.

[e]15. (*1*) Any person who, in breach of this Act or of any order or rule made thereunder,—

(*a*) employs any person in any factory;

(*b*) allows any child to perform the work forbidden by, or to work in contravention of, section 8;

(*c*) neglects to keep a register in manner prescribed under section 9;

(*d*) neglects to set up or maintain the notice required by section 10, sub-section (*1*);

(*e*) neglects

[a] This word "next" in s. 13 was inserted by Act XI of 1891, s. 12.

[b-b] These words in s. 13 were substituted for the original words by Act XI of 1891, s. 12.

[c-c] These words in s. 14 were inserted by Act XI of 1891, s. 13 (*1*).

[d] The words "(if any)" in s. 14, repealed by Act XI of 1891, s. 13 (*2*), are omitted.

[e] This section was substituted for the original s. 15 by Act XI of 1891, s. 14.

(*e*) neglects to fence any machinery or mill-gearing in any factory;

(*f*) neglects to maintain a supply of water for the use of persons employed in any factory;

(*g*) neglects to ventilate any factory or to keep any factory in a cleanly state and free from effluvia arising from any drain, privy or other nuisance;

(*h*) suffers any factory to be so overcrowded, while work is carried on therein, as to be injurious to the health of the persons employed therein; or

(*i*) neglects to send any notice or furnish any return,

shall be punished with fine which may extend to two hundred rupees:

Provided that—

(*i*) no prosecution under this sub-section shall be instituted except by, or with the previous sanction of, the local Inspector; and

(*ii*) no person shall be liable under this sub-section to more than one penalty for any one description of offence committed on the same day, except where two or more persons are employed contrary to the provisions of this Act, in which case one penalty may be imposed in respect of each person so employed.

(*2*) Any person who corruptly uses or attempts to use, as a certificate granted to himself under section 5, a certificate granted to another person under that section, or who, having procured a certificate under the said section, corruptly allows it to be used, or an attempt to use it to be made, by another person, shall be punished with fine which may extend to twenty rupees.

16. Where an act or omission would, if a person were Burden of

proof as to age.

were under nine[a] or fourteen[b] years of age, be an offence punishable under this Act, and such person is, in the opinion of the Court, apparently under such age, it shall lie on the accused to prove that such person is not under such age.

A declaration in writing by a certifying surgeon that he has personally examined a person employed in a factory and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Act, be admissible as evidence of the age of that person.

Occupier primarily liable for breaches of Act or orders or rules thereunder.

[c]17. Every occupier of a factory shall be deemed primarily liable for any breach therein of this Act or of any order or rule made thereunder; but he may discharge himself from such liability by proof that such breach was committed by some other person without his knowledge or consent, and in that case the person committing such breach shall be liable therefor.

Miscellaneous.

Power to make rules.

[d]18. (*1*) Subject to the control of the Governor General in Council, the Local Government may from time to time make rules consistent with this Act to provide for—

(*a*) the fencing of machinery and mill-gearing in factories;

(*b*) the water-supply to be maintained for the use of persons employed in factories;

(*c*) the ventilation of factories and their cleanliness (including lime-washing, painting, varnishing and washing) and freedom from effluvia

[a] This word "nine" was substituted for the original word "seven" in s. 16 by Act XI of 1891, s. 9.

[b] This word "fourteen" was substituted for the original word "twelve" in s. 16 by Act XI of 1891, s. 5.

[c] This section was substituted for the original s. 17 by Act XI of 1891, s. 15.

[d] This section was substituted for the original s. 18 by Act XI of 1891, s. 16 (*1*).

effluvia arising from any drain, privy or other nuisance;

(*d*) the prevention of such overcrowding of factories, while work is carried on therein, as is likely to be injurious to the health of the persons employed therein;

(*e*) the inspection of factories;

(*f*) the manner in which appeals under this Act are to be presented and heard; and

(*g*) otherwise carrying out the purposes of this Act.

(*2*) The Governor General in Council may from time to time make rules requiring occupiers of factories to furnish such returns, occasional or periodical, as may be necessary for the effectual carrying out of this Act.

(*3*) Such rules shall be published in the local official Gazette or the Gazette of India, as the case may be, and shall thereupon have the force of law.

(*4*) Before making rules under clause (*b*), clause (*c*) or clause (*d*) of sub-section (*1*) of this section, the Local Government, and before making rules under sub-section (*2*) of this section the Governor General in Council, shall publish, in such manner as may in its or his opinion be sufficient for giving information to persons interested, a draft of the proposed rules, with a notice specifying a date (not less remote than two months from the publication of the notice) at or after which the draft will be taken into consideration, and shall consider any objection or suggestion which may be received from any person with respect to the draft before the date so specified.

Crown factories.

19. This Act shall apply to factories belonging to the Crown: provided that, in case of any public emergency, the Governor General in Council or the Local Government may, by an order in writing, exempt any [*]factory from this Act to such extent and during such

[*] The word "such," repealed by Act XI of 1891, s. 17, is omitted.

such period as the Governor General in Council or the Local Government, as the case may be, thinks fit.

Power to Local Government to extend definition of "factory."

[*]20. Notwithstanding anything in clause (*b*) of the definition of the word "factory" in section 2, the Local Government may from time to time, by notification in the official Gazette, declare any premises, or premises of any class, which fulfil the other conditions of the said definition, to be a factory for all the purposes of this Act, or for such of those purposes as may be specified in the notification, if the number of persons simultaneously employed in the premises on any day in any manual labour in, or incidental to, any such process as is referred to in the said clause (*b*) is less than fifty and not less than twenty.

(*2*) The Local Government may, by such notification, fix any number below fifty and not below twenty as the number of persons whose simultaneous employment as aforesaid is to be held to subject premises, as a factory, to all or any of the provisions of this Act and of the orders and rules made thereunder.

[*] S. 20 was added by Act XI of 1891, s. 18.

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